

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6866

BILL NUMBER: HB 1854

NOTE PREPARED: Dec 27, 2002

BILL AMENDED:

SUBJECT: School Speed Zones.

FIRST AUTHOR: Rep. Hinkle

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill defines school speed zone and sets provisions for establishment of a zone. The bill makes exceeding the speed limit in a zone a Class C infraction with a fine of up to \$250 for the first violation, a fine of up to \$500 for the second violation, and a Class B infraction with a fine of \$1,000 for the third and subsequent offenses committed by a person in the same jurisdiction.

Effective Date: July 1, 2003.

Explanation of State Expenditures: The INDOT, is able to adopt rules to revise the standard setting forth the boundaries of a zone within its current rulemaking authority. This part will have no fiscal impact on them. The fund affected is the State Highway Fund.

Explanation of State Revenues: Revenues to the state General Fund are likely to be impacted because of fines and judgements for violations of school speed zones. It will depend upon the number of convictions at the newly imposed rates.

Penalty Provision: Currently, exceeding the speed limit in the immediate vicinity of a school when children are present is a Class B infraction with a maximum fine of \$1,000. This proposal provides for a Class C infraction with a fine of up to \$250 for the first violation and up to \$500 for the second violation. The proposal also provides for a Class B infraction with a fine of \$1,000 for the third and subsequent offenses committed by a person in the same jurisdiction.

If additional court cases occur, revenue to the state General Fund may increase if infraction judgments and court fees are collected. The maximum judgment for a Class C infraction is \$500, which is deposited in the state General Fund. If court actions are filed and a judgment is entered, a court fee of \$70 would be assessed.

70% of the court fee would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court.

If a criminal action, infraction or ordinance violation involves a traffic violation, including this proposed offense, a highway work zone fee of either 50 cents or \$25.50 is assessed.

Explanation of Local Expenditures: There will be additional expenditures for schools to adopt the new school speed zones. The specific fiscal impact will depend upon what type of traffic control devices are used and their respective costs.

Explanation of Local Revenues: *Penalty Provision:* If additional court actions are filed and a judgment is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$70 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected: Department of Transportation.

Local Agencies Affected: Schools who adopt the new school speed limit; Trial courts, local law enforcement agencies.

Information Sources:

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